

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BRANDY M. RIGGER,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

3:14-CV-263-PLR-HBG

MEMORANDUM AND ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge, H. Bruce Guyton [R. 23]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of the record and the parties' pleadings, the Court is in complete agreement with the Magistrate Judge's recommendation that Plaintiff's motion for summary judgment be granted, to the extent that this matter shall be remanded for further factfinding. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the Court adopts and incorporates into its ruling, that the Plaintiff's motion for summary judgment [R. 14] is

GRANTED in part; the Commissioner's motion for summary judgment [R. 21] is **DENIED**; and this case is **REMANDED** to the Commissioner for further proceedings as follows:

The Administrative Law Judge shall reassess Plaintiff's residual functional capacity based on a consideration of the record as a whole, specifically considering LPC Lloyd and APN Preston's opinions and weighing their records in accordance with 20 C.F.R. §§ 404.1527(c) and 416.927(c).

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE